

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA

FILED

MAY 02 2012

JULIE A. RICHARDS, CLERK  
US DISTRICT COURT, EDNC  
BY *[Signature]* DEP CLK

MELANIE B FERLITO  
Plaintiff

Case No 5:12-CV-73-D

vs

NCB MANAGEMENT SERVICES INCORPRATED  
John Does 1 thru 10  
Defendant(s)

**RESPONSE TO DEFENDANT'S MOTION TO DISMISS AMENDED COMPLAINT**

NOW COMES plaintiff Melanie B. Ferlito who submits that the Defendant has failed to show that there are no issues of material fact before the Court and therefore Plaintiff respectfully requests the Court deny the Defendant's Motion to Dismiss, strike the Defendant's Collection Letter and Statements and allow Plaintiff's claim to move forward to trial on the merits. The accompanying memorandum supports this response to defendant's motion to dismiss amended complaint.

Dated: 2<sup>nd</sup> day of May 2012  
Respectfully Submitted,



Melanie B. Ferlito  
4920 Arbor Chase Drive  
Raleigh, NC 27616  
919-878-8174  
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the document above was mailed USPS first class mail to the persons listed below:

Daughton & Rich PLLC  
633 West Fourth Street – Suite 150  
Winston-Salem, NC 27101  
*Attorney for Defendant,*  
*NCB Management Services, Inc.*

Dated: 2<sup>nd</sup> day of May 2012  
Respectfully Submitted,



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